

Amendments to Federal Rules of Procedure Changes Effective 12/1/07

This summary is for informational purposes only. Please read the full text of each Rule and the Committee Notes. Here is a link for further information:

<http://www.uscourts.gov/rules/archive.htm>

Federal Rules of Bankruptcy Procedure Changes Effective 12/1/07

- **Bankruptcy Rule 1014** - Dismissal and Change of Venue. Allows a court to initiate a change of venue on its own motion after giving notice and an opportunity to be heard.
- **Bankruptcy Rule 3007** - Objections to Claims. Places restrictions on, and provides procedures for, omnibus objections to claims.
- **Bankruptcy Rule 4001** - Relief from Automatic Stay; Prohibiting or Conditioning the Use, Sale, or Lease of Property; Use of Cash Collateral; Obtaining Credit; Agreements. Requires a moving party provide more extensive notice and a summary of the relief requested when seeking authority to use cash collateral, obtaining debtor-in-possession financing, or approval of related agreements.
- **Bankruptcy Rule 6003** - Interim and Final Relief Immediately Following the Commencement of the Case. Limits the type of motion and relief that can be granted during the first 20 days of a case.
- **Bankruptcy Rule 6006** - Assumption, Rejection or Assignment of an Executory Contract or Unexpired Lease. Authorizes use of an omnibus motion to assume, assign, or reject up to 100 multiple executory contracts and unexpired leases in a single motion.
- **Bankruptcy Rule 7007.1** - Corporate Ownership Statement. Clarifies that a party must file a corporate ownership statement with its initial paper filed with the court in an adversary proceeding.
- **Bankruptcy Rule 9005.1** - Constitutional Challenge to a Statute. Applies pending Civil Rule 5.1—dealing with notification requirements involving constitutional challenges to a statute—to all proceedings in a bankruptcy case.
- **Bankruptcy Rule 9037** - Privacy Protection for Filings Made with the Court. Addresses privacy and security concerns arising from electronic case filing.

Federal Rules of Criminal Procedure

Changes Effective December 1, 2007

Criminal Rules:

- **Criminal Rule 11** - Pleas. Conforms to the Supreme Court's decision in United States v. Booker by eliminating the court's requirement to advise a defendant during plea colloquy that it must apply the Sentencing Guidelines.
- **Criminal Rule 32** - Sentencing and Judgment. Conforms to the Supreme Court's decision in United States v. Booker by: (1) clarifying that the Court can instruct the probation office to include in the presentence report information relevant to factors set forth in 18 U.S.C. § 3553(a); (2) requiring the Court to notify parties that it is considering imposing a non-guideline sentence based on factors not identified in the presentence report; and (3) requiring the Court to enter judgment on a special form.
- **Criminal Rule 35** - Correcting or Reducing a Sentence. Conforms to the Supreme Court's decision in United States v. Booker by deleting subparagraph (B), which is consistent with the Booker holding that the Sentencing Guidelines are advisory, rather than mandatory.
- **Criminal Rule 45** - Computing and Extending Time - Clarifies the computation of an additional three days when service is made by mail, leaving with the clerk of court, or electronic means under Civil Rule 5(b)(2)(B), (C), or (D).
- **Criminal Rule 49.1** - Privacy Protection For Filings Made with the Court. Addresses privacy and security concerns arising from electronic case filing.

Federal Rules of Civil Procedure

Effective December 1, 2007

- **Civil Rule 5.2** - Privacy Protection For Filings Made with the Court. Addresses privacy and security concerns arising from electronic case filing.